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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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ANTHONY LEON SUMMERS,

Plaintiff,

*versus*

NATHANIEL QUARTERMAN, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:09-CV-314

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND  
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Anthony Leon Summers, an inmate confined at the Stiles Unit, proceeding *pro se*, brought this lawsuit against Nathaniel Quarterman, Steven N. Rich, Kent Dickerson, Debra M. Harrell, and William J. Pittman.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed without prejudice pursuant to 28 U.S.C. § 1915(g).

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the court concludes Plaintiff's objections are without merit. For the reasons stated in the Report, Plaintiff is barred from proceeding with this action on an *in forma pauperis* basis pursuant to 28 U.S.C. § 1915(g).

**O R D E R**

Accordingly, Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is

**ADOPTED.** A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 23rd day of March, 2010.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE